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6

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 BETTA PRODUCTS, INC.,

11 Plaintiff,

12 vs.

13 TRANSGLOBAL COMMUNICATIONS, et  
14 al.,

15 Defendants.  
16  
17

CASE NO. CV05-2273-CRB

**STIPULATION TO CONTINUE LAST  
DAY TO HEAR MOTION FOR  
SUMMARY JUDGMENT ON ISSUE OF  
WHETHER PLAINTIFF HAD TRADE  
SECRETS TO MARCH 30, 2007;  
[PROPOSED ORDER]**

18 WHEREAS, this action was filed by Betta Products, Inc. ("Plaintiff") against Transglobal  
19 Communications, Steve Prescott, Andrew Dyakon, Robert Raschke, Ralph Becker, and Timothy  
20 Quinn (collectively "Defendants").

21 WHEREAS, Plaintiff's third amended complaint asserts the following claims against  
22 Defendants: misappropriation of trade secrets under the California Uniform Trade Secrets Act  
23 (first claim), breach of fiduciary duty (second claim), unfair competition under California *Business*  
24 *& Professions Code* §17200 (third claim), slander (fourth claim), interference with prospective  
25 economic advantage (fifth claim), fraudulent conveyance under 11 *U.S.C.* §548 (sixth claim), a  
26 post petition fraudulent conveyance under 11 *U.S.C.* §549 (seventh claim), avoidance of  
27 fraudulent transfers under 11 *U.S.C.* §544 and *California Civil Code* §3439.04 (eighth claim) and

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1 recovery of avoidable transfer under 11 *U.S.C.* §550 and *California Civil Code* §3439.08 (ninth  
2 claim) and each of these claims presents numerous factual and legal issues.

3 WHEREAS, determination of whether Plaintiff has any protectible trade secrets is an  
4 element of Plaintiff's misappropriation of trade secret claim and except for Plaintiff's slander  
5 claim, all of Plaintiff's claims depend, in part, on Plaintiff's first claim for misappropriation of  
6 trade secrets.

7 WHEREAS, at the Continued Status Conference held on September 8, 2006, the Court  
8 ordered that February 16, 2007 is the last day to hear motions for summary judgment on the issue  
9 of whether Betta has any protectible trade secrets.

10 WHEREAS based upon a hearing date of February 16, 2007, the parties would have to file  
11 their motions for summary judgment on the issue of whether Betta has a protectible trade secret on  
12 or before January 12, 2007.

13 WHEREAS, Defendants noticed the deposition of Betta's person most knowledgeable for  
14 the week of December 12, 2006, but due to the unavailability of Betta's witness at that time and  
15 due to scheduling conflicts of Defendants' counsel, Defendants are not able to depose Betta until  
16 January 5, 2007.

17 WHEREAS, there is insufficient time between the deposition of Betta and the current  
18 filing date for motions for summary judgment on the issue of whether Betta has any protectible  
19 trade secrets.

20 WHEREFORE, IT IS STIPULATED AND AGREED that:

21 1. The last day to hear motions for summary judgment on the issue of whether Betta  
22 has any protectible trade secrets is continued to March 30, 2007.

23 2. All briefing shall be pursuant to the Federal Rules of Civil Procedure based upon  
24 the continued hearing date of no later than March 30, 2007.

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27 ///

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1           3.       This stipulation may be executed in counterparts and facsimile, each of which taken  
2 together constitutes the original.

3  
4 DATED: January 3, 2007

BRINKMAN PORTILLO, PC

5  
6 By:   
Laura Portillo

7 Special Counsel to Plaintiffs, Betta Products, Inc.  
8 and Dana McCurnin, the Trustee of the  
9 Betta Products Litigation Trust

10 DATED: January 3, 2007

MCGUIREWOODS LLP

11  
12 By:   
Leslie Werlin

13 Counsel for Defendants, Transglobal  
14 Communications, Andrew Dyakon, Robert  
15 Raschke, Ralph Becker and Steve Prescott

16 DATED: January \_\_, 2007

HOWARD, RICE, NEMEROVSKI, CANADY,  
FALK & RABKIN

17  
18 By: \_\_\_\_\_  
19 John O'Conner  
20 Counsel for Defendant Timothy Quinn

1           3.       This stipulation may be executed in counterparts and facsimile, each of which taken  
2 together constitutes the original.

3  
4 DATED: January \_\_, 2007

BRINKMAN PORTILLO, PC

5  
6  
7 By: \_\_\_\_\_

8           Laura Portillo  
9           Special Counsel to Plaintiffs, Betta Products, Inc.  
          and Dana McCurnin, the Trustee of the  
          Betta Products Litigation Trust

10 DATED: January \_\_, 2007

MCGUIREWOODS LLP

11  
12 By: \_\_\_\_\_

13           Leslie Werlin  
14           Counsel for Defendants, Transglobal  
15           Communications, Andrew Dyakon, Robert  
          Raschke, Ralph Becker and Steve Prescott

16 DATED: January 10, 2007

17 ~~HOWARD, RICE, NEMEROVSKI, CANADY,~~  
~~EALK & RABKIN~~ *John D. O'Connor*

18  
19 By: \_\_\_\_\_

20           John O'Conner  
21           Counsel for Defendant Timothy Quinn



~~[PROPOSED]~~ ORDER

IT IS SO ORDERED that the terms of the Stipulation set forth above are adopted as the terms of this Order.

DATED: January 12, 2007

